

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: AUGUST 22, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GIRARD
WOOD
WESTCOTT
MONROE
STROUGH

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
ROSS DUBARRY, AIRPORT MANAGER
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
BROCK
FRASIER
SEEBER
SIMPSON
SOKOL
TAYLOR
VANSELOW
GRETCHEN STEFFAN, COUNTY HUMAN RESOURCES DIRECTOR
MICHAEL SWAN, COUNTY TREASURER
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Girard called the meeting of the County Facilities Committee to order at 10:18 a.m.

Motion was made by Ms. Wood, seconded by Mr. Strough and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of the Department of Public Works, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review with an update on Court Space needs, Mr. Tennyson reminded the Committee members that at the August 14th Committee Meeting a request was made for representatives from Clark Patterson Lee (CPL) to attend next month's meeting to better define the scope of Task 2. He noted there had also been discussion concerning the assurance that CPL would consider existing buildings during Task 2, such as Monument Square in Glens Falls, the Old Court House in Lake George and the parcel on Glenwood Avenue in Queensbury owned by Rich Schermerhorn. He informed he had contacted CPL and determined that key personnel would not be available for this meeting; however, he added, Jon Norris, the lead architect for CPL, would attend the August 28, 2014 Special County Facilities Committee Meeting.

Mr. Tennyson reported that CPL had initiated work on Task 1 and would schedule meetings with court staff next week. He commented that DPW Engineers; Frank Morehouse, Superintendent of Buildings; and Mr. Norris would participate in the meetings with court staff in order to assess the current and future needs of the courts.

Chairman Geraghty asked how the current needs assessment study would differ from the previous one and he noted the only major change in the courts had been the addition of two judges. Mr. Tennyson responded the baseline information would be the same for both studies and he pointed out one of the reasons CPL had bid such a low cost for Task 1 was because they would be updating the information gathered during their previous study. He said he did not believe there had been significant changes in the Office of Court Administration (OCA) standards but it would be necessary to determine how the courts currently functioned. He advised the previous studies had been completed 8 and 10 years prior and there had been changes within the courts and how they interacted with other Departments, such as the Probation Department and District Attorney's Office. He apprised that CPL would be able to complete Task 1 quickly because they would be updating some of the information obtained during the prior studies.

Mr. Strough mentioned he would be unable to attend the August 28, 2014 County Facilities Committee Meeting because he would be on vacation. He advised he was in the process of developing the 2015 Town of Queensbury Budget and had spoken with Judges McNally and Muller the day prior. He noted the Town of Queensbury was going through a similar issue as more space was needed for the Town Court. He suggested the possibility of the Town of Queensbury and the County working together on a joint courthouse facility which would meet both municipality's needs. He noted there were several counties that had a completely separate Family Court which worked well. Mr. Westcott stated that Mr. Strough's suggestion was a great one and he noted Mr. Strough had posed several good ideas and questions at the previous Committee Meeting. He suggested that Mr. Strough write down some of his ideas and questions to be discussed in his absence at the August 28, 2014 Committee Meeting and Mr. Strough said he would do so.

Mr. Tennyson apprised the main purpose of the August 28, 2014 Special County Facilities Committee Meeting would be to authorize the initiation of Task 2 by CPL and ensure the Committee was informed and comfortable with the scope of work. He noted Task 2 was still being drafted and he anticipated it would be available by the beginning of next week. He commented that as soon as he received a draft of Task 2, he would email it to the Committee members for review prior to the meeting.

Mr. Girard asked if there was an update available on the RFP (Request for Proposals) for solar power at Cornell Cooperative Extension and Countryside Adult Home. Mr. Tennyson replied the RFP was drafted and undergoing final revisions. He said he anticipated the RFP would be released some time next week. Mr. Girard asked if an update would be available by the August 28, 2014 Committee Meeting and Mr. Tennyson replied affirmatively.

This concluded the Buildings & Grounds portion of the Committee Meeting and the Airport portion of the meeting commenced at 10:24 a.m.

Privilege of the floor was extended to Ross Dubarry, Airport Manager, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Mr. Dubarry requested authorization to attend the NYAMA (New York Aviation Management Association) Fall Conference and Exhibit Show on September 17-19, 2014 in Syracuse, New York. He noted the registration fee for the conference was \$375 and the funds were available within the Departmental Budget.

Motion was made by Ms. Wood, seconded by Mr. Strough and carried unanimously to authorize attendance at the conference as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Dubarry requested to adopt the Determinations and Findings for the Eminent Domain Procedure Law (EDPL) acquisition of land and easement from Forest Enterprises Management, Inc. He noted a copy of the Determinations and Findings was included in the agenda packet and had been emailed to the Committee members yesterday for review. He commented that adoption of the Determinations and Findings was the next step in the EDPL process and he pointed out the basic points of the document were listed on Page 9 of the agenda packet. Mr. Westcott asked for an explanation of why this was necessary and Mr. Dubarry responded this was part of the Article 2 proceedings of the EDPL process. Mr. Dubarry noted the Determination and Findings were required to be adopted following the Public Hearing and Public Comment phases. He mentioned the public uses, benefits and purposes to be served by the proposed public project were outlined on Page 9 of the agenda packet.

Paul Dusek, County Administrator, clarified this was a Board determination as to whether or not they agreed based on all of the available information. He noted the Board could agree or could request modifications to the document. Mr. Tennyson explained the resolution would essentially be an indication that the Board wanted to proceed with the process. Mr. Strough opined the Determinations and Findings had been very thorough and explained everything in detail. He thanked Mr. Dubarry and Mr. Tennyson for presenting the document.

Motion was made by Mr. Strough and seconded by Ms. Wood to adopt the Determinations and Findings for the EDPL acquisition of land and easement from Forest Enterprises Management, Inc.

Travis Whitehead, Town of Queensbury Resident, pointed out there were a number of inaccuracies in the Determinations and Findings. He said there was some confusion as to what the Federal Aviation Regulations (FAR) Part 77 was and he wanted to explain it for the Committee. He commented the FAR Part 77 was often misused and he had papers from the Federal Aviation Administration (FAA) confirming this. He read from one of the FAA documents, as follows:

Part 77 defines notification criteria which should be used as the first criteria to determine whether or not an object should be evaluated for its potential impact to the navigable airspace. According to FAA Part 77, sponsors of proposed construction or alteration in the vicinity of the airports are required to provide notification to the FAA in detail on Form 7460 - Notice of Proposed Construction.

Mr. Whitehead stated the Airport had received several Form 7460's from entities, such as National Grid, that built structures which could potentially interfere with Airport operations; he added these structures were evaluated and in most cases it was determined that there was no obstruction. He said it seemed the County was trying to imply in many cases that a Part 77 surface was an obstruction and the terms were being mixed up. He explained Part 77 identified that an item needed to be looked at further and then there were other standards which might determine whether or not it was an obstruction.

Mr. Whitehead pointed out that Page 2 of the Determinations and Findings mentioned the 2002 Report which was the FAR Part 77 Obstruction Evaluation which identified areas that needed to be looked at further and the 2009 Report "Obstruction Evaluation of Runway End Siting Requirements to Runways 1-19 and 12-30" which identified specific areas that required clearing due to potential hazards. He read the following from the Determinations and Findings proposed resolution:

WHEREAS, the County of Warren completed an "Obstruction Evaluation of Runway End Siting Requirements to Runways 1-19 and 12-30" of the aforementioned airport, dated April 2009; Mr. Whitehead commented this paragraph was true.

WHEREAS, the Runway 1-19 Approach Plan contained in the aforesaid obstruction evaluation report shows numerous obstructions located on tax parcel no. 303.11-1-4; Mr. Whitehead opined this paragraph was not really true and noted the 2009 Report did identify several obstructions on this parcel; however, he said, all of those obstructions had already been cleared in 2011. He commented there were no more obstructions on this parcel that he was aware of.

WHEREAS, based on the data provided in the FAR Part 77 Obstruction Evaluation, the County of Warren must control the airspace above tax parcel no. 303.11-1-4 in order to comply with the requirements of the FAR Part 77 surface protection requirements; Mr. Whitehead said when issued the Part 77 surfaces, anyone wanting to construct in the area was required to file a Form 7460. He mentioned he had an example of a Form 7460 which was filed for just outside of Runway 30. He noted if anyone was considering construction in the vicinity of the Airport, the County would have the opportunity to comment on it.

WHEREAS, in or about 2002, in the course of updating the Airport Master Plan for Floyd Bennett Memorial Airport, C & S Engineers assessed the then current and projected needs of the Floyd Bennett Memorial Airport and recommended an extension to the approach of Runway 1-19 in order to accommodate the family of critical design airplanes/aircraft then currently operating and anticipated to operate at the Airport without imposing weight restriction or requiring an immediate fuel stop when flying to medium or long haul destinations; Mr. Whitehead noted that when the Airport Master Plan was drafted in 2002, the Airport had been rated as D-2, for a larger more demanding class of jets, and in 2011, that rating was reduced to a B-2. He compared this to the Queensbury High School's long term plan which predicted larger class sizes every year but since that time had experienced fewer students each year. He said it was necessary to adjust the expectations and this portion of the Airport Master Plan because the Airport was now rated B-2, as opposed to D-2. He stated there was no data to support that the aircraft utilizing the Airport had any desire to fly to medium or long haul destinations. He pointed out there were seven classes of destinations and the data showed that pilots flying out of Floyd Bennett Memorial Airport were flying shorter distances to places such as LaGuardia Airport or Boston. He noted these were short haul destinations which did not require extra fuel or have weight restrictions. He stated the current runway exceeded the recommendations of the FAA. He said the runway length for these types of aircrafts and destinations should be 4,620 feet and the current length of the runway was 5,000 feet. Mr. Whitehead pointed out the proposed resolution stated that public hearings were held but does not say what the public's comments were or what questions were raised.

Mr. Whitehead stated that some of the Resolved paragraphs of the proposed resolution were false and he read, as follows: *(1) b. Remove known obstructions to the existing runway end based on FAR Part 77 surfaces.* Mr. Whitehead said this statement was wrong and there were statements from C & S Engineers noting that it was not mandatory to clear the Part 77 surfaces but it was desirable. He opined the County was creating a mandate where there was not one.

(1) d. Extend the approach of Runway 1-19 in order to accommodate the family of critical design airplanes/aircraft then currently operating and anticipated to operate at the Airport without imposing weight restriction or requiring an intermediate fuel stop when flying to medium or long haul destinations. Mr. Whitehead reiterated there was no data to support the fact that there was any desire for the pilots to fly to medium or long haul destinations. He said there was data which showed that these very same jets have and could fly across country from the Airport with the existing weight restrictions.

(2) The acquisition of real property rights from tax parcel no. 303.11-1-4 will allow the removal of known obstructions to the airspace at the existing runway... Mr. Whitehead stated there were no known obstructions on that parcel today.

Mr. Whitehead encouraged the Committee members to take a little time to understand exactly what Part 77 meant versus the Runway End Siting study from 2009. He said if the Committee members had a better understanding they would realize there was no reason for this resolution. He stated he was available to provide a better understanding to anyone who wanted to discuss the matter.

Mr. Beaty thanked Messrs. Dubarry, Dusek and Tennyson for the meeting held with him that morning to discuss the runway extension. He said he was asked on a regular basis why he continued to argue against the runway extension since it seemed it was inevitable. He stated the Board of Supervisors had the power to approve or deny the runway extension. He said he had an issue with utilizing data from the 2002 Airport Master Plan. He advised he had previously been a member of the Queensbury School Board and he noted that Queensbury once had 4,600 students but had experienced nine consecutive years of declining student enrollments. He said he saw the same scenario with the Airport Master Plan as the data in both cases had changed drastically. He noted that in 2002 the Airport Master Plan may have made sense but he added there had been massive changes since then, both economically and financially.

Mr. Beaty commented there were less pilots in the United States now than ten years ago. He mentioned Cessna was reducing their number of employees because they were not getting enough orders for new planes. Mr. Beaty apprised that when he was running for office, the majority of the people he had spoken with were opposed to the runway extension. He told a story about a recent event he attended at Glens Falls High School where a constituent had requested that he stop the runway from being extended. He reiterated the Board of Supervisors had the ability to stop the runway extension. He noted if extending the runway made economic sense then he would be in favor of it. He said the County was wasting taxpayer money, taking people's land and destroying Class 1 wetlands. He stated it did not make sense to approve this proposed resolution when the majority of the Board of Supervisors did not understand the meaning of a FAR Part 77 surface.

Motion was made by Mr. Westcott to table the request to adopt the Determinations and Findings for the EDPL acquisition of land and easement from Forest Enterprises Management, Inc. until all of the questions and concerns could be addressed. No second was received for the motion.

Mr. Simpson stated that he supported the Airport; however, he asked if it was necessary to obtain the land acquisition and easement through the EDPL process if the property was already cleared. Mr. Dubarry responded there were many obstructions on the parcel and the ones which had been cleared pertained to the possibility of the runway being shortened to less than 5,000 feet. He said the other obstructions were to clear the navigable airspace for safety reasons and were beyond the previously cleared locations. He noted that as the trees continued to grow they would become obstructions again and cause the runway to be shortened.

Mr. Strough commented this process would help the Airport to comply with FAR Part 77 surfaces. He stated an obstruction evaluation had been completed and this was the result. He mentioned the County now knew what was required to be in compliance for the current and future needs of the Airport. He said the Determinations and Findings listed some public benefits but he acknowledged that not all of the public benefits were listed. He pointed out the current Decision Height (DH) for aircraft to land at the Airport was approximately 400 feet and it would be preferable to reduce the

DH to 200 feet or even 250 feet. He opined this would open the doors for future economic development and he felt the economic advantages were clear. He mentioned that when he ran for office, most of the people he had spoken to were in favor of extending the runway at the Airport.

Mr. Girard called the question and the motion was carried by majority vote to adopt the Determinations and Findings for the EDPL acquisition of land and easement from Forest Enterprises Management, Inc., with Mr. Westcott voting in opposition. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the September 19, 2014 Board Meeting.*

Continuing, Mr. Dubarry requested authorization for the Chairman of the Board to execute a new utility easement with National Grid for the purpose of installing a Guy Wire on the existing utility pole to provide electrical power to a new development site across from Airport property along Queensbury Avenue. He said the final easement language would be approved by himself and the County Attorney. He noted there was an aerial map included in the agenda packet which detailed the location of the existing utility pole and the proposed anchor location. He advised there were no known conflicts for planned or anticipated development at the Airport.

Motion was made by Mr. Strough and seconded by Ms. Wood to authorize the Chairman of the Board to execute a new utility easement with National Grid for the purpose of installing a Guy Wire on the existing utility pole to provide electrical power to a new development site across from Airport property along Queensbury Avenue.

Mr. Whitehead asked if National Grid had notified Floyd Bennett Memorial Airport of their intent through a Form 7460 - Notice of Proposed Construction. Mr. Dubarry replied this was for a guy wire on an existing utility pole and to his knowledge a Form 7460 had not been filed. Mr. Whitehead asked if Form 7460's were usually submitted by National Grid and Mr. Dubarry replied those forms would be submitted to the FAA and not his office. Mr. Dubarry clarified he would only receive the Form 7460 if the proposed construction was on Airport property.

Mr. Whitehead asked if the area across from Airport property on Queensbury Avenue was part of the Sicard property and Mr. Dubarry replied affirmatively. Mr. Whitehead asked why Mr. Dubarry was notified since the proposed guy wire would not be on Airport property and Mr. Dubarry replied there had been a request for assistance from Mr. Sicard as part of his agreement with the easements and land purchase. Mr. Whitehead said Mr. Sicard was granted the ability to develop on the property and the County was also paying him for further avigation easements and Mr. Dubarry replied this was a different portion of the property.

Mr. Whitehead asked if Mr. Macri decided to construct a building on his property (the Forest Enterprises parcel) and it triggered the need for a Form 7460, would the Airport be made aware of it and Mr. Dubarry replied it would depend on the circumstances. Mr. Dubarry said he was aware of proposed construction on that parcel because he was provided with a copy of a Form 7460 submitted by Mr. Macri based on plans provided to the Town of Queensbury for the development. He added he was also aware of a determination of no hazard for that development. He further added this met the Airport's need and would allow them to extend the runway, so there was no conflict. Mr. Whitehead said his point was that there were opportunities to comment on any potential obstruction in the vicinity of the Airport and any potential hazards that existed today.

Mr. Girard called the question and the motion was carried unanimously to authorize the Chairman of the Board to execute a new utility easement with National Grid for the purpose of installing a Guy

Wire on the existing utility pole to provide electrical power to a new development site across from Airport property along Queensbury Avenue. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the September 19, 2014 Board Meeting.*

Mr. Dubarry apprised they were currently working on setting a date for the public hearing for the Runway 1 Extension Environmental Assessment Project. He said they were hoping to advertise the public hearing on September 20, 2014 and the public hearing would be held during the week of October 20, 2014. He noted the request would be presented at a future Committee Meeting.

As there was no further business to come before the County Facilities Committee, on motion made by Ms. Wood and seconded by Mr. Monroe, Mr. Girard adjourned the meeting at 10:52 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist

